## REMARKS

The Final Office Action dated February 9, 2005, has been received and carefully considered. It is believed that the following remarks place the application in immediate condition for allowance. In this response, claims 1, 10, and 18 have been amended, and claims 28-30 have been added. Entry of the amendments to claims 1, 10, 18, and new claims 28-30, is respectfully requested. Accordingly, entry of this response and favorable consideration of the application are respectfully requested.

I.   THE OBVIOUSNESS REJECTION OF CLAIMS 1-4, 6, 8-13, 15-21, 23 AND 25-27

On page 2 of the Office Action, claims 1-4, 6, 8-13, 15-21, 23 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lumelsky et al. (U.S. Patent No. 6,463,454) in view of Qureshi. et al. (U.S. Patent No. 5,920,820). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

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references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant has amended independent claims 1, 10 and 18 to clarify the claimed systems and methods and better distinguish the cited references. Independent claim 1, a system claim, now recites "a service logic execution engine associated with each node in the network for enabling service logic to execute on each node in the network, each service logic execution engine being in communication with service logic execution engines associated with other nodes." Independent claim 10, a method claim, now recites the step of "enabling service logic to execute on one or more nodes in the network by associating a service logic execution engine with each node in the network, each such service logic execution engine being in communication with the other service logic execution engines." Independent claim 18, a system claim, now recites "execution code that causes a processor to enable service logic to execute on one or more nodes in the network, each node in the network has a service logic execution engine that is in communication with the service logic execution engines of other nodes."

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Applicant respectfully submits that none of the cited references teach or suggest such limitations. For example, while the Examiner asserts that Lumelsky teaches a service logic execution engine for enabling service logic to execute on one or more nodes in the network (Figures 2 & 10; column 23, lines 62-67), Applicant respectfully submits that Lumelsky does not teach or suggest service logic execution engines that: (1) are associated with each node of the network; and (2) communicate with other service logic execution engines, as expressly recited in each independent claim.

First, Applicant respectfully submits that Lumelsky does not teach or suggest service logic execution engines associated with each node of the network, as recited in each independent claim. For example, as shown in Figure 3 of the pending application, the claimed systems and methods comprise service logic execution engines at each node of the network, such as cell phone 320, switch 322, web server 326, and 328.

Lumelsky does not disclose such a feature. Rather, Lumelsky merely discloses a system for providing access to web objects that matches predicted demand for web objects to available capacity on web servers. More specifically, Lumelsky teaches a system for managing and controlling the distribution,

sharing and pooling of resources in an Internet/World Wide Web environment, *that implements an <u>intermediary</u> control node <u>between</u> clients and servers for managing distribution and placement of requests* for multimedia objects unto servers as well as manages the placement of objects unto servers according to a set criteria. Applicant respectfully submits such a configuration is precisely the type of inefficient system overcome by the claimed systems and methods. *See* Figure 2 and Page 19, line 17 of the present application.

Further, Applicant respectfully submits that Lumelsky does not teach or suggest service logic execution engines that communicate with <u>other</u> service logic execution engines, as recited in each of the independent claims. The specification of the above application, for example, explains how such service logic execution engines may communicate:

> For example, if an event is raised by a software component on one physical node, and a software component executing on another node is listening for that event, *the SEE may transmit the event to the other node. The remote SEE may then receive the event, determine the appropriate service context (if any) to invoke, and pass the event into the appropriate software component in that service context.* A service content may involve a collection of software components application to a session.

Page 6, lines 22 – Page 7, line 8 (emphasis added).

In contrast, Lumelsky does not teach or suggest any feature or functionality comprising a node that includes a service logic

execution engine that is able to communicate with other service logic execution engines, as recited in the pending independent claims. The section of Lumelsky cited by the Examiner, for example, merely states that service logic performs function *on the server* on which it resides:

> The service logic (same as found in Fig. 2) provides application-oriented functions **on the server**. Examples of this application-oriented functionality are the billing and handling of client interactivity for any streaming session. The streaming process (275) provides the network streaming capability to deliver multimedia content from server to client.

*See,* Lumelsky, Col. 23, lines 62 – Col. 24, line 1 (emphasis added).

In fact, Lumelsky unequivocally states that "[m]anagement of resources at any particular server (e.g., 120) is **completely independent** from management of resources at any other particular server (e.g., 121)." *See* Lumelsky, Col. 1, lines 59-61 (emphasis added). To the extent that Figure 10 of Lumelsky (and its related description on Col. 23, lines 38-61) discloses a "global partition 1020," Applicant respectfully submits that there is no teaching or suggestion that such a global partition comprises a network node having an associated service logic execution engine that communicates with service logic execution engines associated with other nodes, as required by each of the pending independent claims. Accordingly, Applicant respectfully submits

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that, for the reasons set forth above, Lumelsky does not teach or suggest the limitations that have been added by amendment.

Applicant further respectfully submits that Qureshi does not teach or suggest any of the limitations of the pending claims that have been added by this amendment. Rather, Qureshi merely discloses a system for combining cellular telecommunication database functions with intelligent network (IN) functions without accessing the public switched telephone network. For example, Qureshi does not teach or suggest network nodes having corresponding service logic execution engines that communicate with each other. Accordingly, Applicant respectfully submits that Qureshi does not make up for Lumelsky's deficiencies in this regard.

The remaining independent claims (e.g., claims 10 and 18) recite subject matter that is related to independent claim 1, and were also rejected based upon Lumelsky et al. and Qureshi et al. Thus, claims 10 and 18 are also allowable for reasons similar to those given above.

The dependent claims 2-4, 6, 8-9, 11-13, 15-17, 19-21, 23, 25-27 are allowable at least by virtue of their dependency on the above-identified independent claims. Thus, since independent claim 1, 10, and 18 should be allowable as discussed above, claims 2-4, 6, 8-9, 11-13, 15-17, 19-21, 23, 25-27 should

also be allowable at least by virtue of their dependency on independent claim 1, 10, or 18. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, Applicant respectfully submits that none of the cited references teach or suggest wherein the communication between service logic execution engines comprises communication regarding the distribution and processing of service functionality, as expressly recited in claims 28, 29 and 30.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-4, 6, 8-13, 15-21, 23 and 25-27 be withdrawn.

## II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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